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Administrative Decisions and Materials

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Washington Legal Researcher's Deskbook, 2d

by
Penny A. Hazelton
Peggy Roebuck Jarrett
Nancy McMurrer
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Mary Whisner

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Washington Legal Researcher's Deskbook, 2d

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INTRODUCTION

The *Washington Legal Researcher's Deskbook* has been written to assist lawyers, librarians, legal assistants, legal secretaries, and members of the public in the complex task of researching legal problems. This book focuses on the law of the state of Washington and the legal materials that are available to the Washington practitioner. The reader will not find answers to legal questions but rather will find a rich array of information that can help in the process of researching the law.

The importance of legal research certainly cannot be overstated. Most lawyers want to give good advice to their clients. If the client's problem is new to the practitioner, chances are good that a review of the legal issues and authority will be necessary. This may plunge the researcher into unfamiliar areas of law.

If it were not enough to want to give good advice, the Washington Rules of Professional Conduct (RPC) 1.1 require that a practitioner "shall provide competent representation to a client." This rule requires familiarity with the relevant law through previous knowledge or through conducting adequate research. No Washington State Bar Association Ethics Opinions interpret this rule regarding the standards for performing competent legal research.

A 1975 California Supreme Court case, *Smith v. Lewis*, 10 Cal.3d 349, 530 P.2d 589 (1975), articulates a standard of care for legal research. The standard requires (1) sufficient research (2) using standard research techniques (3) to obtain readily available authority. The Court found that the defendant lawyer failed to meet this standard of care. Cases in other jurisdictions have reached a similar result. Washington has apparently adopted this standard in *Halvorsen v. Ferguson*, 46 Wash. App. 708, 718, 735 P.2d 675, 681 (1986).

A study commissioned by the ABA Section of Legal Education and Admissions to the Bar recently listed legal research among ten skills necessary for the practice of law. The Task Force identified three specific skills needed for thorough and efficient research:

- 3.1 Knowledge of the Nature of Legal Rules and Institutions;
- 3.2 Knowledge of and Ability to Use the Most Fundamental Tools of Legal Research;
- 3.3 Understanding of the Process of Devising and Implementing a Coherent and Effective Research Design.

Task Force on Law Schools and the Profession: Narrowing the Gap, *Legal Education and Professional Development — An Educational Continuum* at 138 ("The MacCrate Report")(1992).

The legal researcher of the 1990s cannot rest on the knowledge of legal research tools acquired while in law school or even as recently as two years ago. The computerization of legal information has completely changed the world of legal research and the practice of law. Some recent commentators have even suggested that computerized research is required in order for practitioners to avoid malpractice. See David M. Sandhaus, *Computers Are Required for the Practitioner to Avoid Malpractice*, 47 Washington State Bar News 51-52 (no. 11, Nov. 1993); Robert C. Berring, *Technology and the Standard of Care for Legal Research*, 3 Legal Malpractice Report 21-22 (no. 4, 1992).

The purpose of this *Deskbook* is to provide a broad spectrum of information that would be helpful to the person who must research Washington State law. In the first chapter, I describe how to use a law library. From using law libraries in person to using law libraries without leaving the comfort of your home or office, the tips provided in this chapter will be useful to all legal researchers.

In the second chapter, I outline a strategy to help a legal researcher design a research process or framework. Practical tips for efficient use of legal tools are discussed. A reprint of an article that discusses the relative merits of computer and manual legal research tools has been included to help researchers sort through the maze of legal information products. If taking good notes is your downfall, be sure to read the note-taking article found near the end of this chapter. This piece is full of practical hints that can help any researcher create a fine research product.

Chapter three was written by Mary Whisner and is an excellent review of the most basic and important legal research tools used for researching Washington law. Ms. Whisner reviews secondary sources, statutes, city and county codes, administrative regulations, case law, case-finding tools, Attorney General Opinions, citator services, and basic citation information. She includes information about electronic versions of these information tools as well as the printed texts. Every legal researcher should be familiar with the contents of this chapter. This is one of the chapters that should be read completely by any researcher who must use Washington legal information resources.

Washington State agencies promulgate a variety of administrative decisions or actions. These are ably discussed in the next chapter by Cheryl Nyberg. Pay particular attention to the description of the Administrative Procedure Act and its requirements. Ms. Nyberg discusses each state agency that issues administrative determinations and even provides a summary chart of the various sources of agency quasi-judicial actions in order to speed your research.

Never done a Washington legislative history? Follow the clear step-by-step directions written by Peggy Roebuck Jarrett in Chapter five on legislative history and bill tracking. Clearly our author has had some experience with this awesome task!

Ms. Jarrett shows the novice exactly how to follow the legislature's process and includes important tips for accomplishing this research chore efficiently and competently.

Using one or more of the many excellent handbooks and deskbooks available on Washington law can help the legal researcher quickly and efficiently define the problem and locate the primary sources to answer the question. In Chapter 6, Nancy McMurrer provides annotated descriptions both of broad, multi-topic sources and other, more specific titles listed by subject. Organized into sections on encyclopedic sources; deskbooks and treatises; continuing legal education materials; litigation aids (benchbooks, pattern forms, jury verdicts and judicial biographies); ethics opinions; directories; and current awareness services, this chapter is crucial for the researcher who is not intimately familiar with the wealth of secondary literature available in Washington.

This edition of the *Deskbook* contains a new chapter on nonlegal research written by Mary Whisner and Peggy Roebuck Jarrett. In a clear and direct style, the authors cover sources that will help you find information about people and organizations, find factual information, and improve your writing skills.

Peggy Roebuck Jarrett, Nancy McMurrer, and Mary Whisner have written the chapter on computer-assisted legal research (CALR). Although the *Deskbook* is replete with references to and discussions of electronic research tools, this section discusses CALR generally. Highlighting the electronic tools and information available to the Washington legal researcher, this chapter includes excellent sections on different types of access to computer-assisted legal research: online services, CD ROM products, bulletin board systems and the Internet. Comparative tables of the most important Washington legal materials and their availability on WESTLAW and LEXIS-NEXIS are also included. If you have little or no exposure to electronic legal information systems, this chapter is a must.

In the final chapter Ms. Jarrett compiles a collection of information about legal resources in Washington. Included here are tips on how to manage your library, hire a librarian, and select materials and research tools for your library. Lists of filing and library service organizations, document delivery services, legal publishers with addresses and telephone numbers, publisher information for Washington legal periodicals, Washington CLE providers, and libraries that have various city and county codes complete the informative material to be found in this section of the *Deskbook*. This chapter will be a great help to those trying to keep their libraries current and properly managed, to those making decisions about purchases for office libraries, and to those trying to locate legal materials available in the local area.

I am very pleased with the high quality of the material you will find within this *Deskbook*. Many thanks to the authors for their tireless work. Janet Abbott worked many hours to put our draft material into final form — thank you! Thanks

also to Reba Turnquist who helped update information about publishers, prices, and the like; to the Gallagher Law Library staff for being supportive and helpful; to the law librarianship student interns who helped cover the Reference Office when we needed extra time to write; to various colleagues around the state who responded cheerfully to our requests for information; and, finally, to our library patrons for asking us questions and helping us learn what legal researchers in Washington need to know.

Penny A. Hazelton
Seattle, Washington
July 1996

AUTHOR BIOGRAPHIES

PENNY A. HAZELTON. Professor Hazelton has been the Director of the Marian Gould Gallagher Law Library at the University of Washington School of Law since 1985. Teaching legal research to law students, law librarianship students (lawyers training to be law librarians), library students, attorneys, legal secretaries, and paralegals has occupied a good part of Professor Hazelton's twenty-year career. She earned her JD from Northwestern School of Law of Lewis & Clark College and received a Masters in Law Librarianship from the University of Washington in 1976. Professor Hazelton is a member of the Washington State Bar Association and has served as a member and Chair of its Editorial Advisory Board Committee. Professor Hazelton spent five years at the University of Maine and four at the U.S. Supreme Court Library as head of the research services department.

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ADMINISTRATIVE DECISIONS AND MATERIALS
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Chapter 4
ADMINISTRATIVE DECISIONS AND MATERIALS
Cheryl Rae Nyberg

I. Introduction

This chapter deals with decisions, opinions, and orders issued by administrative agencies in the course of enforcing laws and regulations under their jurisdiction. These administrative decisions are sought by attorneys and others who want to determine how the agencies have decided similar cases and to obtain guidance in conforming their activities to the guidelines developed by the agencies as they exercise their authority. Selected guidance and interpretive administrative documents and materials will also be covered.

II. Administrative Agencies' Functions and Procedures

Administrative agencies, situated in the executive branch of state government, are responsible for implementing programs and policies mandated by the legislature. To accomplish their missions, agencies perform legislative-like and judicial-like functions. The previous chapter discussed the rule-making process, by which administrative agencies promulgate and publish rules and regulations that have the force of law. This chapter focuses on the products of the agencies' adjudicatory hearings.

A. Enabling Legislation

Administrative agencies are created by legislation, sometimes referred to as enabling legislation. These laws set out the purpose and responsibilities of the agency, establish the name of the agency, and provide for the designation of its officers. The *Washington State Yearbook* (Information Press, annual) briefly describes agency functions and provides citations to each agency's enabling legislation. Of course, the full text of these laws appears in the *Revised Code of Washington* and its commercial counterparts, the *Annotated Revised Code of Washington* (Michie) and the *Revised Code of Washington Annotated* (West). Consult the index to one of these sets under the agency name to locate the RCW sections that detail the agency's purpose and activities.

The *Washington Administrative Law Practice Manual* (Michie, 1991) also identifies agencies that conduct administrative hearings. Appendix I provides directory information, including phone numbers for the agency head, senior attorney, senior hearing officer, contact person for rule-making, contact person for public complaints, and the public information officer. The agency-by-agency listing also indicates

whether a digest of cases is published and if an index to or list of publications is available.

B. Administrative Procedure Act and Model Rules of Procedure

With few exceptions, agencies authorized to conduct administrative hearings are bound by the provisions of the Administrative Procedure Act (APA). RCW 34.05. Part IV of the Act deals with adjudicative proceedings generally, including commencement of actions; notice to parties; pleadings, motions, and briefs; hearsay and evidence; entry and review of initial orders; reconsideration; official records; brief adjudicative proceedings; and related topics. Part V concerns judicial review and civil enforcement of agency decisions.

By enacting the APA in the late 1980s, the Legislature intended to "provide greater public and legislative access to administrative decision making." RCW 34.05.001 (1994). To accomplish that goal, the APA directs agencies to "keep on file for public inspection all final orders, decisions, and opinions in adjudicative proceedings, interpretive statements, policy statements, and any digest or index to those orders, decisions, opinions, or statements prepared by or for the agency." RCW 34.05.220 (2) (1994). Some agencies are specifically directed to publish their decisions. For example, the Forest Practices Appeals Board is directed to "publish at its expense or make arrangements with a publishing firm for the publication of those of its findings and decisions which are of general public interest, in such form as to assure reasonable distribution thereof." RCW 76.09.220(5) (1994).

The Administrative Procedure Act also provides that agencies should adopt rules governing their formal and informal adjudicatory proceedings and specifies that agencies should abide by the Model Rules of Procedure (WAC 10.08) unless they promulgate their own rules. The Model Rules supplement the APA and cover forms, notice, computation of time, continuances, filing and service of papers, subpoenas, prehearing conferences, evidence, interpreters for impaired or non-English-speaking parties, reporting and recording, teleconferencing, petitions for review, informal settlements, and forms of declaratory orders.

To identify state agencies that have administrative proceeding rules, consult the subject index to the *Washington Administrative Code* under the heading "Administrative Procedure." Listed there are agencies, boards, and commissions with references to the WAC sections that contain their regulations. The 1995 index listed approximately eighty agencies under this heading.

Neither the APA nor the Model Rules mandates the publication and distribution of all agency administrative decisions. Yet many agencies recognize that the legal community and the general public share an interest in the actions of the government and so publish some or all of their decisions. With the emergence of the Internet as a cost-effective publishing tool, many government entities now provide

World Wide Web access to current information, including some orders and opinions.
Home Page Washington:

<http://www.wa.gov/wahome.html>

is the starting place for those seeking Washington administrative agency materials on the World Wide Web.

Legal publishers and database providers also realize that a market exists for this information and have answered that need over the years with products that supplement agency-prepared sources or that fill a gap created by an agency's failure to publish. The following sections identify official and unofficial print and electronic sources of administrative agency decisions and opinions.

C. Bibliography

The following sources deal with the Administrative Procedure Act specifically or with administrative law and practice in Washington generally.

- William R. Andersen, *The 1988 Washington Administrative Procedure Act: An Introduction*, 64 WASH. L. REV. 781-850 (1989).
Provides a detailed review of the Act.
- *Administrative Law* (Washington State Bar Association, Administrative Law Section, 1978-date).
Contains articles, the chairperson's message, CLE announcements, and summaries of significant federal and Washington court cases on administrative law. Issued three times a year.
- *Washington Administrative Law Practice Manual* (Richard A. Finnigan, James M. Van Nostrand & Laurie Flinn Connelly, eds.) (Butterworth Legal Publishers, 1991).
Covers numerous administrative law and practice topics, including public disclosure, public records, open meetings, ethics, rule-making, investigations, adjudicative proceedings, judicial review of administrative decisions, civil enforcement of agency actions, federal and local administrative procedure, and federal civil rights actions. Includes a "Washington State Administrative Directory", the Model Rules of Procedure, and the Model State Administrative Procedure Act in appendices. Updated annually.
- Kathryn L. Gerla, "Chapter XX, State Administrative Law," in *7 Washington Lawyers Practice Manual* (Seattle-King County Bar Association, 1986).
Reviews delegation of authority to agencies, public access to agency law, rule-making, due process in adjudications, the appearance of fairness doctrine, judicial review, and civil enforcement of agency actions. Updated in 1995.

III. Multi-Agency Sources of Administrative Decisions

One of the advantages of computerized legal research databases and CD ROM products is their facility with large amounts of information. The tremendous storage capacities of electronic resources allow information providers to deliver data from many agencies through the same system. Other features of these databases include search software that permits users to search for specific terms and words used by the administrative law judges in writing the decisions and relatively frequent updating. The databases described below include administrative decisions from several Washington state agencies.

All but one of these sources are commercially produced and the cost of subscribing or accessing the information may be prohibitive for some users. Further, none of these sources is comprehensive. Not all administrative agencies that issue opinions are covered and for those agencies that are covered, not every decision ever written is included. The agencies themselves must be considered the final authorities on their own opinions. In addition, many agencies and some commercial publishers have printed collections of agency decisions that may be more readily available to some users. Section IV of this chapter provides an agency-by-agency listing of sources of agency opinions.

A. CD Law

CD Law, Inc., publishes Washington Statutes and Decisions on CD-ROM, and is currently the best single source for full-text Washington state administrative agency decisions. More agency decisions appear on CD Law than are found on any other electronic source, including LEXIS-NEXIS and WESTLAW.

The benefits and drawbacks of full-text searching apply here. The form feature, an option provided on the search screen, allows the user to search for names and terms appearing in discrete segments of the documents. Retrieved opinions can be printed or downloaded to a diskette. The decisions CD ROM, on which the adminis-

trative decisions are found, is updated quarterly. The publisher posts new decisions on a dial-up bulletin board at (206) 624-0624 and on the Internet:

Administrative Decisions on CD Law

Forest Practices Appeals Bd.	1992-
Growth Management Hearings	
Central Puget Sound	1992-
Eastern Washington	1993-
Western Washington	1994-
Hydraulics Appeals Board	1995-
Industrial Insurance Appeals	1955-94
Pollution Control Hearings	1980-
Public Employ. Relations	1975-
Revenue Department	1986-
Shorelines Hearings Board	1983-

<http://www.cdlaw.com/>

B. L.A.W. BBS

The Legal Access in Washington Bulletin Board System, commonly called L.A.W. BBS, is provided by the Washington State Bar Association as a low-cost source of Washington legal materials. L.A.W. BBS is accessible by modem only at present. Communications settings are 8 data bits, 1 stop bit, no parity, full duplex, ANSI terminal emulation. Users can connect to the bulletin board through one of six modem lines, all in the 206 area code. The L.A.W. BBS volunteer staff hope to make this resource Internet-accessible in the near future.

L.A.W. BBS

727-8312	728-2886
728-2884	728-2887
728-2885	
927-1030 (Tacoma)	

In addition to Washington statutes, rules and regulations, cases, court rules, attorney general opinions, and ethics opinions, L.A.W. BBS provides several databases of administrative material.

File Area 18, Environmental Law Files, contains opinions of the Central Puget Sound Growth Management Hearings Board in several formats: ASCII, WordPerfect 5.1 and 6.0, and compressed or zipped.

Searchable databases cover:

- Washington Laws, option 8, Washington Administrative Agency Bulletins and Decisions, with
 - Board of Industrial Insurance Appeals selected headnotes
 - Department of Revenue Excise Tax Bulletins, numbers 1-555
 - Department of Revenue tax decisions
 - Personnel Appeals Board decisions
- Washington Corporation Database, searchable by any word in a company name, exact company name, or registered agent's name. When the database was accessed on May 22, 1996, it was current as of January 26, 1996. Monthly updates are expected.
- Washington Contractors Database, searchable by any word in the business or principal's name, business name, principal's name, or license number. When the database was accessed on May 22, 1996, it was current as of May 7, 1996. Monthly updates are expected.
- Washington Lawyers Database, searchable by lawyer's name, phone number, city, or license/bar number. The database provides name, address, phone number, status, date admitted to the Washington bar, and license/bar number. When the database was accessed on May 22, 1996, it was current as of April 15, 1996. Biweekly updates are planned.

C. LEXIS-NEXIS

LEXIS-NEXIS contains a few files of Washington state administrative decisions. In the Washington library the WASEC file contains Securities Division opinions from 1974, the WATAX file contains decisions of the Board of Tax Appeals from 1980, the WAPUC file contains decisions of the Utilities and Transportation Commission from 1974, and the WAPUR file contains utilities decisions taken from *Public Utilities Reports* (Public Utilities Reports, Inc.) since 1987.

In addition, LEXIS-NEXIS offers several public records and filings files of interest to the Washington researcher, including:

- WABKT, which contains personal and business bankruptcy filings since 1992. The file, which is updated weekly, includes petitioner's name and address, filing number, chapter, date, status, and estimates of assets and liabilities.
- WAJGT, which contains judgment and lien filings from thirty-two counties since 1992. The file includes debtor and creditor names, the debtor's address, the case or lien number, filing and release dates, and the amount of liability. It is updated weekly.
- WAPROP, which contains tax assessor property information records for selected Washington counties. This file, which is updated annually, includes the name of the property owner, property and/or mailing address, assessor parcel number, and assessed and/or market value. Only Clark, King, Kitsap, Pierce, Snohomish, Spokane, and Thurston Counties are covered.
- WASALE, which contains deed transfer information collected from Record-ers' offices and market sources for selected Washington counties since 1994. The file includes the names of buyers and/or sellers, property and/or mailing address, date of transaction, and sale price. Only Clark, King, Kitsap, Pierce, Snohomish, Spokane, and Thurston Counties are covered.

D. West Publishing Company

West Publishing Company provides electronic copies of selected administrative decisions on WESTLAW and on a CD ROM product, the Washington Administrative Code, which is updated quarterly. When this book went to press, WESTLAW contained decisions from more agencies than did the CD ROM. However, West announced that the CD ROM product would include many more agency decisions by fall/winter 1996.

WESTLAW's WAENV-ADMIN database and the CD ROM both contain cases from several environmental agencies, including the Forest Practices Appeals Board (1985-93), the Hydraulics Appeals Board (1992-93), the Pollution Control Hearing Board (1985-93), and the Shorelines Hearing Board (1985-93). No new decisions from these agencies are being added.

The WA-PUR database on WESTLAW contains decisions from the Washington state courts and administrative agencies, including the Utilities and Transportation Commission and its predecessors, that have appeared in the third and fourth series of *Public Utilities Reports* and selected unreported decisions from 1953.

WESTLAW's WASEC-ADMIN database and the Washington Administrative Code CD ROM contain the text of securities decisions, orders, opinions, and no-action or interpretive letters issued by the Securities Division from 1974.

WESTLAW's WATX-ADMIN database and the CD ROM contain adjudicative decisions issued by the Washington Board of Tax Appeals from 1979. These decisions, along with court cases on tax issues, comprise the WATAX file on WESTLAW.

WESTLAW's WAWC-ADMIN database and the CD ROM contain Board of Industrial Insurance Appeals opinions and orders on workers' compensation issues from 1985.

WESTLAW also includes databases of public records and filings, including:

- EDR-WA, which contains the most current environmental databases on solid waste facilities, hazardous waste sites, underground storage tanks, and leaking underground storage tanks.
- MIP-TM, the Trademarkscan database, from DIALOG, which contains trademarks and servicemarks registered with the states. The file provides descriptions, status, and ownership information from 1900 and is updated weekly. To limit a search to marks registered in Washington state add "SR (Washington)" to the query. Many other fields may be searched, including company name, date registered, design type, goods and services, exact trademark, state of incorporation, and registration number.
- TRW-WAPROP, which contains current information from assessors' records on real property tax roll information for the most recent year. Only King, Kitsap, Pierce, Snohomish, and Thurston Counties are represented.
- WA-CORP, which contains current data on corporations and limited partnerships registered with the state. Information includes name, address, date of incorporation or organization, names and addresses of officers and partners, and registered agents.
- WAIN-BUL, which contains bulletins and memoranda issued by the Insurance Commissioner. Documents that have been superseded, repealed, amended, or supplemented contain a signal to that effect and a marker by which the user can jump directly to the later document.

IV. Agency-Specific Sources

This section identifies and describes print and electronic sources of agency decisions. Agency names have been inverted to alphabetize by the first keyword. For instance, the Department of Financial Institutions becomes the Financial Institutions Department. Agencies, boards, commissions, and departments are interfiled. A couple of non-executive branch agencies are covered because they issue administrative-like decisions: the Legislative Ethics Board and the Supreme Court's Ethics Advisory Committee.

In addition to decisions, opinions, and orders, the section contains selected administrative documents of interest to the legal community. Samples include the Washington Hazardous Sites List, the Priority Habitats and Species List, a list of certified minority- and women-owned businesses, and enforcement and factual information on lobbyists and political action committees.

A mix of formats is represented: print, microfiche, online databases, electronic bulletin boards, CD ROMs, and Internet-accessible World Wide Web sites. Many users will not have access to or be comfortable with all of these formats. But because this format variety exists in today's volatile information universe, users should know about the options. Often, the information's format affects how, where, and whether a user finds the specific decision or document needed.

The list below is thorough but not comprehensive. With few exceptions, the focus is on currently available decisions from agencies that are still functioning. Only those historical sources that are generally available in major law libraries are identified. And, since agency publications are issued in small numbers and are not widely publicized, the author may have missed some relevant titles.

For printed material, the agency is assumed to the publisher, unless another publisher is named parenthetically. Chapter 9, *Managing Your Library*, near the end of this *Deskbook*, contains a directory of commercial publishers. Washington state agencies' addresses and telephone numbers are found in the *Washington State Yearbook*.

A. Administrative Hearings Office

The Office of Administrative Hearings (OAH) provides impartial adjudication of administrative hearings for many state agencies. The administrative law judges of the Office preside over hearings and issue orders, including findings of fact and conclusions of law. Division 2 of the OAH handles cases only from the Employment Security Department. Division 1 hears cases from the Licensing Department, the Liquor Control Board, the Social and Health Services Department, the Superintendent of Public Instruction, the Utilities and Transportation Commission, and other agen-

cies. The OAH does not publish its decisions but some agencies, notably the Utilities and Transportation Commission, do.

B. Ecology Department

The Ecology Department's Web site

<http://www.wa.gov/ecology/>

has many full-text administrative documents. Administrative decisions on penalties assessed by the Department for air quality, hazardous waste, shorelines, spills, underground storage tanks, water quality, wastewater discharges, and well drilling violations from January 1995 are found under the "enforcement" heading. The summaries include the offender's name, the amount of the penalty, a brief statement of the violation, and the status of the case, including those on appeal to the Shorelines Hearings Board or the Pollution Control Hearings Board. Beginning with the third quarter, 1995, the summaries also include a case number.

Other categories of administrative documents include policies and strategies on geographic-based environmental management, growth management actions, pollution prevention, and wetlands integration; the Washington Hazardous Sites List; the federal National Priorities List; and revision of the laws governing and the regulations promulgated by the Department of Ecology.

C. Education Department

Position papers of the State Board of Education are available on the Internet:

<http://sbe.wednet.edu/position.html>

In the spring of 1996, position papers on charter schools, nutrition, and time and learning were posted at this Web site.

D. Employment Security Department

Summaries of cases from the Department are printed in the *Digest of Commissioner's Decisions*. This multi-volume set contains two series, the first covering 1954-75 and the second covering 1975-date. The first volume in each series includes tables by case name, case number, and cases appealed to court, and a subject index. The second series was last updated in March 1993, with cases through early 1992.

E. Environmental Hearings Board

The Environmental Hearings Office issues decisions from the Forest Practices Appeals Board, the Hydraulics Appeals Board, the Pollution Control Hearings Board,

and the Shorelines Hearings Board. These decisions are found on CD Law and on WESTLAW in the WAENV-ADMIN database. *Selected Opinions, 1983-1986* (1987) contains the full text of twenty-five cases arranged chronologically, with an alphabetical table of cases and an analytic outline. For additional sources of decisions from the specific boards, consult information provided for the individual agencies below.

F. Ethics Advisory Committee

Appointed by the Chief Justice of the Washington Supreme Court, the members of the Ethics Advisory Committee issue opinions concerning the Code of Judicial Conduct. A two-volume set called *Washington State Judges' Ethics Advisory Opinions* (Office of the Administrator for the Courts, 1984-date) contains the text of the opinions. The volumes are arranged chronologically and an index at the back of the second volume provides subject access and access by canon and RCW citations.

G. Executive Ethics Board

The Board hears complaints and issues advisory opinions on ethical violations by statewide elected officers and other officers and employees in the executive branch, boards and commissions, and institutions of higher education. In the future, the Board's advisory opinions will appear in the *Washington State Register*.

H. Financial Institutions Department

The *Blue Sky Law Reporter*, a multi-volume looseleaf set published by Commerce Clearing House, contains selected interpretive and policy statements, opinion letters, and statements of policy on securities matters. The Washington materials are found in Volume 3. The format for policy and interpretive statements includes question presented, regulation or statute under review, a discussion, and conclusion. Use the cumulative index in Volume 3 to locate newer materials. See the information under the Securities Division below for additional sources.

I. Fish and Wildlife Department

The Department publishes the *Priority Habitats and Species List*, a catalog of those species and habitat types identified as priorities for management and preservation, specifically native fish and wildlife species officially designated as endangered, threatened, or sensitive. The list is also available at the Department's Web site:

<http://www.wa.gov/wdfw/>

J. Forest Practices Appeals Board

The Board is an independent, quasi-judicial agency that hears and decides appeals from decisions of the Natural Resources Department. By law, the Board is

directed to "publish at its expense or make arrangements with a publishing firm for the publication of those of its findings and decisions which are of general public interest, in such form as to assure reasonable distribution thereof." RCW 76.09.220(5) (1994). The Board has chosen to make its decisions available electronically from commercial sources. CD Law contains opinions from 1992 and WESTLAW, in its WAENV-ADMIN database, contains opinions from 1985 to 1993.

K. Governor

The Governor's executive orders and proclamations are published in the *Washington State Register*. Consult the index in the latest issue for the year (the indexes are cumulative) under the heading "Governor."

L. Growth Management Hearings Boards

Three regional boards hear petitions on compliance with the Growth Management Act by state agencies, counties, and cities. The full text of the opinions appear in *Decisions and Orders: Growth Planning Hearing Boards, State of Washington, Eastern Washington, Central Puget Sound, Western Washington* (Code Publishing Company, 1992-date, updated irregularly). The cumulative index provides case name and number tables and a subject index. Carson D. Bowler's *GMA Manual: A Guide to the Growth Management Act and the Decisions of the Growth Hearings Boards* (Oversight Publications, 1996) also provides subject access to the boards' decisions by way of an analysis of the Act and the decisions that have applied or interpreted the Act.

CD Law includes full-text decisions from the boards, covering the Central Puget Sound Growth Management Hearings Board since 1992, the Eastern Washington Growth Management Hearings Board since 1993, and the Western Washington Growth Management Hearings Board since 1994. Decisions from the Central Puget Sound board are available on L.A.W. BBS, in File Area 18.

M. Higher Education Personnel Board

From 1985-92 the Board published the annual *Appeals Summary*, which summarized cases from 1969-91. Within each issue, the cases are arranged by WAC citations, except for allocation and disciplinary cases, which do not fit easily in WAC order. Each volume contains a case number index for the contents of the volume and a cumulative subject index. Since 1991, the Board's decisions have been summarized in the *Washington Labor Law Digest* (Labor Digests, Inc., 1991-date).

N. Human Rights Commission

The Commission investigates, hears, and issues opinions on cases involving discrimination based on race; creed; color; national origin; sex; marital status; age;

mental, physical, or sensory disability; HIV status; or age in employment, credit and insurance transactions, public accommodations, or real estate dealings. The agency was formerly called the Washington State Board Against Discrimination.

The two-volume *Washington Human Rights Reporter* (Book Publishing Company, 1976-83) contains staff guidelines, declaratory rulings, opinions, pre-finding settlements, conciliation agreements, stipulations, consent orders, and decisions for 1976 through 1982. Publication was discontinued in 1983 due to cost.

O. Hydraulics Appeals Board

The Board hears "appeals from approval, denial, conditioning or modification of hydraulic permits for: 1) the construction of projects which divert water for agricultural irrigation or stock watering; and 2) marine bulkheads or rockwalls." (1996 *Washington State Yearbook* at 67) Its opinions are available electronically from CD Law (1995-date) and WESTLAW, the WAENV-ADMIN database (1992-93).

P. Industrial Insurance Appeals Board

The Board issues final decisions on appeals of cases involving industrial insurance, crime victims' compensation, and occupational safety. Selected *Significant Decisions* (1987-date) are published in microfiche, with paper indexes providing access by case name, headnotes (short paragraphs), and subject. This set, which contains opinions from 1955, is updated irregularly. CD Law mirrors the contents of the set in an electronic format, with coverage from 1955 to 1994. In contrast, WESTLAW's WAWC-ADMIN database contains a more comprehensive collection of decisions, but only from 1985. L.A.W. BBS contains selected headnotes from the Board's cases in a searchable database under the Washington Laws heading, Washington Administrative Agency Bulletins and Decisions file.

The Board's Web site describes the appeals process, but does not presently include the text or summaries of decisions:

<http://www.wa.gov/ind/homepage.htm>

Q. Insurance Department

The full text of the Insurance Commissioner's bulletins from 1994 to date are found at the Commissioner's Web site:

<http://www.wa.gov/ins/>

The bulletins interpret or provide additional information on insurance laws and regulations. Topics include the use of certain lifestyle factors in the rating of private passenger auto insurance, short-term health care reform, continuity of coverage, and

complaints against health care providers. WESTLAW provides the full text of the bulletins from 1950 to date in the WAIN-BUL database.

R. Judicial Conduct Commission

The Commission investigates allegations of judicial misconduct, specifically violations of the Code of Judicial Conduct. Its disciplinary actions include admonishment, reprimand, censure, and recommendation of suspension or removal of a judge to the Supreme Court. From 1981 to 1986 the agency was called the Commission on Judicial Qualifications.

Each volume of the *Annual Report* (1981-date) contains statistical summaries of cases filed for the last five years, including the source of allegations, court levels involved, the nature of the litigation, the type of allegation, and the disposition of the case. Beginning with the 1986 report, a cumulative summary of cases filed with Supreme Court has been included, with citations to opinions in *Washington Reports 2d* and the *Pacific Reporter 2d* given. The 1992 and subsequent reports provide summaries of the Commission's public actions for the year, including reprimands, orders of admonishment, and censures. These summaries list the name of the judge, the nature of the violation, canon provision violated, CJC docket number, and date of the Commission's action.

S. Labor and Industries Department

The *Labor Law Reporter* (Commerce Clearing House) includes selected administrative rulings from the Department and the Attorney General in Volume 3 of the "State Laws" subset. To find these decisions, consult the multi-layer "Cumulative Index to New Developments/State Laws" in Volume 3, under the name of the state. References to administrative decisions will have a paragraph numbers in the 49,000s. Coverage appears to be from 1966 to 1990.

T. Legislative Ethics Board

The Board is responsible for investigating unethical conduct by legislators and legislative employees. In 1995, the current Board replaced the House and Senate Legislative Ethics Boards, which were established in 1967. Summaries and full text of both Boards' advisory opinions are printed in their biennial and annual reports. The *Common Sense Guide to Legislative Ethics* (Joint Board of Legislative Ethics, 1993) contains the full text of selected advisory opinions from the Senate Board of Legislative Ethics and the House Board of Legislative Ethics. Previous editions of the guide were published in 1991, 1986, and 1984.

Advisory opinions from 1995 are provided at the Board's Web site:

<http://leginfo.leg.wa.gov/www/admin/legis/ethics.htm>

U. Minority and Women's Business Enterprises Office

The Office provides an Internet-based search service to identify certified firms by vendor name or Standard Industrial Classification code number at its Web site:

<http://www.wsdot.wa.gov/OMWBE/>

V. Personnel Appeals Board

The Board has published an annual *Summary of Decisions* since 1982. Each volume is arranged by type of case and indexed by case name, rule interpretations, status of cases appealed to court, and subject. In 1990, a *Cumulative Index of Summaries of Decisions, Volumes I through VIII, July 1, 1981-June 30, 1989* was issued. It includes tables of case names; interpretations of merit systems and Personnel Appeals Boards rules and RCW and WAC provisions; allocation cases by job classification; cases on appeal to the Superior Court; and a subject index.

L.A.W. BBS includes the Board's decisions under its Washington Laws database, Washington Administrative Agency Bulletins and Decisions heading. Beginning in 1991, the *Washington Labor Law Digest* contains summaries of selected decisions.

W. Personnel Board

Washington State Personnel Board Decisions (1973, 1977) contains summaries of decisions from 1961-77. Cases from 1961-72 appear in the 1973 volume; cases from 1972-77 appear in the supplement. The opinions are arranged by number and are indexed by subject. Selected decisions are summarized in the *Washington Labor Law Digest* from 1991.

X. Pollution Control Hearings Board

The Board is an independent, quasi-judicial agency that issues appeals from orders, permits, and penalties of the Ecology Department on air, hazardous wastes, solid waste, water, and water rights issues. Commercial electronic products provide the greatest number of full-text opinions from the Board. CD Law's CD ROM product contains cases from 1980 and WESTLAW's WAENV-ADMIN database contains cases from 1985 to 1993.

Publications printed by the Environmental Hearings Office are much more selective. *Pollution Control Hearings Board Selected 1985 Opinions* (1986) provides the text of twelve air pollution cases, six water pollution cases, four water rights cases, one flood control case, and three hazardous wastes cases in addition to a digest/index of cases from 1985. After a long delay, a second volume, compiled by

Wick Dufford, *Selected Opinions of the Pollution Control Hearings Board, 1986-1991* (1993), was issued with the text of nine air pollution, eight water pollution, and four hazardous wastes cases. It also provides a brief digest by topic with cases cited by name and PCHB docket number and a chronological list of cases tried on the merits.

Another volume prepared by Wick Dufford, *Digest of Water Resources Decisions of the Environmental Hearings Office, Pollution Control Hearings Board* (Ecology Department, Water Resources Program, 1992), covers opinions from 1970-90. It provides a topical outline, a digest of cases, an alphabetical table of cases, a table of cases by docket number, and a list of judicial decisions since 1970.

Y. Public Disclosure Commission

The PDC administers and enforces the Public Disclosure and Open Government Acts. Its *Registration and Reporting Manual* (1988) reviews statutes and Attorney General opinions and is organized by topic: policy statements, definitions, campaign finance reporting, lobbyist reporting, personal financial affairs of elected officials and candidates, public records, political advertising, and administration and enforcement. A table of cases by name, Attorney General opinions by date, and Commission declaratory rulings by number provide additional access points.

The Commission's Web site:

<http://www.wa.gov/pdc/>

contains files on enforcement hearing results (with the names of associations, individuals, political action committees, and others who have been penalized for violating the Open Government Act; the date of the hearing, and assessed penalties); money raised and spent by elected officials, including legislators, executive officials, and judges; political action committees; lobbyists; and manuals for specific officials. Much of this information is also available in printed form.

Z. Public Employment Relations Commission

Two commercially printed sets contain the full text and summaries of the Commission's decisions. The *Washington Public Employment Relations Reporter* (Book Publishing Co., 1976-date, updated monthly) provide the full text of cases arranged by decision number. A cumulative index and tables volume includes a subject index and a table of case names. CD Law contains cases from 1975.

The *Washington Labor Law Digest* (Labor Digests, Inc., 1991-date) summarizes selected decisions from the Higher Education Personnel Board, the Marine Employees Commission, the Maritime Commission, the Personnel Appeals Board, the Personnel Board, the Personnel Resources Board, Public Employment Relations

Commission, the Court of Appeals, and the Supreme Court. Selected interest and grievance arbitration are also included. The *Digest* is issued bimonthly.

AA. Retirement Systems Department

The Department's Web site:

<http://www.wa.gov/DRS/drs.html>

contains administrative notices and reviews of legislation that would affect the public retirement systems.

BB. Revenue Department

Excise tax decisions and determinations of the Department of Revenue's Interpretation and Appeals Section, the Board of Tax Appeals, the Supreme Court, the Court of Appeals, and the Superior Courts are published in *Washington Tax Decisions* (Michie, 1987-date). This multi-volume set contains the full text of documents and is updated twice a year. Taxpayers' names are omitted from the decisions. A cumulative index and tables volume includes tables by case name, case number, cases by issuing source, excise tax bulletins cited, RCW and WAC citations, and a subject index. A companion set, *Washington Tax Decisions: Excise Tax Bulletins* (Michie, 1991-date) contains the full text of excise tax bulletins and revenue policy memoranda issued since 1967 and still in effect

CD Law also contains decisions from the Revenue Department since 1986 and includes citations to *Washington Tax Decisions*. L.A.W. BBS includes both tax decisions and excise tax bulletins in its Washington Laws database under the Washington Administrative Agency Bulletins and Decisions heading.

The Revenue Department's Internet site contains a wide array of forms, publications, reports, and other material:

<http://www.wa.gov/DOR/wador.html>

A small selection includes information on the state's tax structure, a "tax facts" series, interpretive notices and bulletins, field office locations, statistics, the 1996 *Tax Reference Manual*, and an online document ordering service. For a practitioner's perspective on dealing with the Department of Revenue, consult *Washington Taxes: A Taxpayer's Manual for Practice Before the Department of Revenue* (Michie, 1992).

CC. Secretary of State

The Corporations Division maintains records on businesses incorporated in the State of Washington and corporations registered to do business in the state. The

Corporation Records list is published in microfiche monthly. CD Law's Washington Statutes and Decisions on CD-ROM, L.A.W. BBS, and WESTLAW's WA-CORP database include electronic versions of the list. The electronic sources are easier to use and provide more flexible searching than the microfiche list, which is not strictly alphabetical.

Businesses also register trademarks and servicemarks with the Secretary of State's office. A database of state-registered marks is available on WESTLAW. Trademarkscan (the MIP-TM database) is updated weekly and includes marks registered since 1900. To limit a search to marks registered in Washington state add "SR (Washington)" to the query.

DD. Securities Division

Orders, opinions, and no-action or interpretive letters issued by the Securities Division on securities-related issues are available on LEXIS-NEXIS in the WASEC file (from 1974) and on WESTLAW in the WASEC-ADMIN database (from 1974).

EE. Shorelines Hearings Board

The Board (sometimes called the Shorelands Hearings Board) is an independent, quasi-judicial agency that hears appeals on permits for use of the state shorelines. CD Law contains the full text of the Board's decisions from 1983 and WESTLAW's WAENV-ADMIN database covers decisions from 1985 to 1993.

The *Washington State Environmental Reporter* (Book Publishing Company, 1974-date) contains summaries of cases from 1972 arranged by topic. The cumulative index and tables volume includes tables by case number, cases appealed to court, RCW and WAC citations, and a subject index. This title is updated quarterly. Summaries of cases also appear in *Digest of Decisions from June, 1971 through December, 1993* (4th ed. 1994). The summaries are organized by topic in an analytical outline and tables provide access by case name and number. Previous editions of the *Digest* were published in 1989, 1983, and 1977.

FF. Tax Appeals Board

The Board hears appeals and decides cases from the county boards of equalization and the Departments of Revenue and Natural Resources. The full text of decisions from 1967-84 were printed in *Order, Final Decision*. The *Index of Decisions* represents a "compilation of significant cases selected from the appeals filed with the Board through June 30, 1980." Cases are indexed by subject and by case type: excise, exemptions, personal property, real property, intercounty utilities, assessment ratio, and open space act. A table gives status information on appealed cases. *Washington Tax Decisions* provides full text of the Board's decisions since 1987.

Two commercial tax services, the *Washington State Tax Reporter* (Commerce Clearing House) and the *State and Local Tax Service* (Prentice-Hall) include selected decisions of the Board of Tax Appeals, in abstract and full-text. The LEXIS-NEXIS Washington Library includes the WATAX file, which contains cases from 1980. Decisions from 1979 to date appear in WESTLAW's WATX-ADMIN database.

GG. Utilities and Transportation Commission

The decisions of the Utilities and Transportation Commission and its predecessor, the Washington Public Service Commission, are well-documented by commercial publishers and by the Commission itself.

Public Utilities Reports (Public Utilities Reports, Inc.) includes decisions from 1915 in four series (see table for date coverage). Individual volumes contain tables of cases by jurisdiction. Three digest series provide subject and case name access. Decisions from this set appear in the Washington library on LEXIS-NEXIS in the WAPUR file (1987-date) and on WESTLAW in the WA-PUR database (1953-date).

Public Utilities Reports

1st series	1915-33
New series	1934-53
3d series	1954-73
4th series	1974-date

The Commission also publishes the full text and summaries of orders. *Commission Final Transportation Orders* (1982-date) and *Commission Final Utility Orders* (1990-date) are issued monthly but are not indexed. The LEXIS-NEXIS WAPUC file contains the full text of the Commission's decisions since 1974.

Summaries of decisions, indexed by case name and subject, appear in the *Digest of Transportation Cases* (1995 and 1996 supplement)(with cases from 1982 to date) and the *Digest of Utilities Cases* (1995 and 1996 supplement)(with cases from 1986 to date). These volumes are arranged by RCW and WAC citations and they supersede the 1990 editions and 1994 supplements.

V. Agency Decisions at a Glance

The table on the following page illustrates the availability of print and electronic sources of full-text and summarized administrative agency decisions. It is arranged by keyword in the agencies' names

The following key explains the abbreviations used in the table's column headings. For specific information about the title or filename, contents, and dates of coverage of individual sources, consult Section IV, Multi-Agency Sources of Administrative Decisions, or Section V, Agency-Specific Sources.

Key to Table Abbreviations

Print Sources

FL full text
SM summaries

Electronic Sources

CD CD Law
LB L.A.W. BBS
LX LEXIS-NEXIS
WL WESTLAW
WW World Wide Web

Washington Administrative Agency Decisions at a Glance							
Agencies	Print		Electronic				
	FL	SM	CD	LB	LX	WL	WW
Employment Security Dep't		X					
Ethics Advisory (Judicial)	X						
Executive Ethics Board	X						
Financial Institutions Dep't	X						
Forest Practices Appeals Bd.			X			X	
Governor	X						
Growth Management Hearings Boards							
Central Puget Sound	X		X	X			
Eastern Washington	X		X				
Western Washington	X		X				
Higher Education Personnel		X					
Human Rights Commission	X						
Hydraulics Appeals Board			X			X	
Industrial Insurance Appeals	X		X	X		X	

Washington Administrative Agency Decisions at a Glance							
Agencies	Print		Electronic				
	FL	SM	CD	LB	LX	WL	WW
Judicial Conduct Comm'n		X					
Labor and Industries Dep't	X						
Legislative Ethics Board	X						X
Personnel Appeals Board		X		X			
Personnel Board		X					
Pollution Control Hearings Bd.	X	X	X			X	
Public Disclosure Comm'n	X						
Public Employ. Relations	X	X	X				
Revenue Department	X		X	X			
Securities Division					X	X	
Shorelines Hearings Board		X	X			X	
Tax Appeals Board	X	X			X	X	
Utilities and Transportation	X	X			X	X	